

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION

SEP 9 2019

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

GABRIEL AGUILAR-HERNANDEZ,
Plaintiff,

Vs.

GEO group, Inc. Contractor,
Reeves County Detention Center III,
LA VAUGHN GARTON, Warden RCDC III,
Dr. FAJARDO, Health Service
Administrator RCDC III,
Defendant,

)
)
)
) Case No. PE:19-VC-00024-DC
)

JURY TRIAL DEMANDED

SUPPLEMENTAL COMPLAINT

Relief Sought

Gabriel Aguilar-Hernandez, moves the court to supplemental his complaint, a copy of which is attached to this document as Exhibit "A".

Grounds for Relief

Plaintiff, makes this document at this time because the events set forth in the supplemental complaint, have occurred since the time that the original pleading in this matters were filed, they are sufficiently related to the issues and allegations that are already before the court, that their joinder would not unduly the proceedings and would not prejudice any party, the court not properly determine the matter currently before it without consideration of these new facts, and it is the interests of justice that all of the issues between the parties be litigated in a single action.

1. On July 17, 2019, the court entered an order [D.E.6], the court requestes the Plaintiff for More Definite Statements, clarifies for the court what people he is suing.

2. On July, Plaintiff submitted a motion for More Definite Statements. The court responded that the submitted document could not add Defendantsthrough this procedure, and could only add Defendants through mechanism of an Amended Complaint. Nonetheless, Plaintiff attempted to add the folloing names to the suit in his response. He is given the opportunity to clarify the names and titles of the people he intends to sue and what each and every person individually did to him and on what date that occurred. Under a Supplementantal Compalint.

3. Pursuant to the court's order, Plaintiff files this Supplemental Complaint as to matter previously set forth in his Complaint to change the captioned name of the Defendants inthe original complaint.

4. That the clerk of the court modify the docket accordingly, in accordance with Plaintiff's intends to substitute the names of the Defendants as in the above captioned Supplemental complaint.

5. Plaintiff clarify to substitute the names of all the Defendants in his original complaint, as follow:

- | | |
|---|--|
| a) <u>GEO Group, Inc., RCDC-III</u> ,
Reeves County DC III | for <u>GEO group, Inc. Contractor</u>
RCDC-III |
| b) Warden,
Reeves County Detention Center | for La vaughn Garton Warden,
RCDC |
| c) Health Service Administrator, for
RCDC III | Dr. Fajardo, Health Service
Administrator. RCDC III |

Plaintiff alleges:

Parties

1. Plaintiff, Gabriel Aguilar-Hernandez, is an individual who resides in Pecos, Texas, and is a citizen from Guatemala. The Plaintiff is a victim of the Defendants:

(a) Defendant GEO group, Inc., contractor of Reeves County Detention Center III, located in 100 West County Road 204, P.O.Box 2038, Pecos, Texas 79772, It GEO group Inc. has a policy and customs of deliberate indifference to the Plaintiff's serious medical needs, when it failed to supervise and training its offenders employees who caused the Plaintiff's injury as resulted of the unreasonable delay to treatment and care of a broked ankle that Plaintiff Gabriel Aguilar Hernandez suffered during a football soccer game while incarceration in the Reeves County detention Center III, on April 12, 2019, and waited 20 days to receive medical treatment of his injury, until MAY 2, 2019. Which medical negligence result in the emergency surgery of Plaintiff's right broked ankle, which had encarnated the bone as resulted of the unreasonable delay. GEO group Inc. is sued in its individual and official capacity and under the Texas State-law tort claim. Geo group Inc. is liable for violates the Plaintiff's constitutional right guaranteed by the Eighth Amendment to be free of unusual and cruel punishment.

(b) Defendant La Vaughn Garton, Warden of the Reeves County Detention Center III, She is the official responsible for the security and health of all the prisoner incarcerated in the detention center. She has failed to properly supervise and

training her offendera employees, who caused the Plaintiff's injury as result of the unreasonable delay to the medical treatment and care of a broked ankle that Plaintiff Gabriel Aguilar Hernandez suffered during a football soccer game while incarceration in the Reeves County Detention Center III, on April 12,2019, and waited 20 days to receive medical treatment and care of his injury, it was until May 2,2019. Which medical negligence result in the emergency surgery of the Plaintiff's right broked ankle, which had encarnated the bone as resulted of the delay.

Warden La Vaughn Garton, is sued in her individual and official capacity and under the Texas State-law tort calim. She is liable for violates the Plaintiff's constitutional rights guaranteed by the Eighth Amendment to be free of unusual and cruel punishment, and for deliberate indifference to the Plainfif's serious medical needs.

(c) Dr. Fajardo, Health Service administrator of the Reeves County Detention Center, he is the person incharged of the prove the proper medical needs of all the prisoners of the Reeves County Detention Center III, who has failed to prove the Plaintiff with proper medical needs. As resulted of the delay caused to the Plaintiff's injury suffered during a football soccer game while incarceration in it detention center. Dr. Fajardo failed to proper with the medical teatment and care of a broked ankle that the Plaintiff suffered in April 12,2019, and waited 20 days to receive proper medical treatment and care, until May 2,2019. Which medical negligence result in the emergency surgery of the Plaintiff's broked ankle, which had encarnated the bone as

resulted to the unreasonabel delay. Dr. Fajardo is sued in his individual and official capacity and under the Texas State-law tort claim. Dr. Fajardo is liable for violates the Plaintiff's cosntitutional right guaranteed by the Eighth Amendment to be free of unusula and cruel punishment amonting to deliberate indifference to the Plaintiff's serious medical neeeds. he was the direct responsible for the medical negligence caused for his medical personnel.

Plaintiff seeks, compensatory damages for all the Defendants ~~THEREFORE~~ in the amount of \$ 2,000,000.00, and punitive damages for all the Defendants in the amount of \$ 2,000,000.00 for the injury caused against him.

THEREFORE, Plaintiff Gabriel Aguilar Hernandez, asks this Honorable Court to Supplemental his Complaint and allow the Clerk of the Court to modify the docket accordingly, with Plaintiff's clarifying that he intended to substitute the Defendants in his original complaint and for any other relief to which Plaintiff may be entitled.

Dated: 09-05-2019

Respectfully submitted.

G. A. H.

Gabriel Aguilar Hernandez
Reg. 86277-083
Reeves County Detention Center
P.O.Box 2038
Pecos, Texas 79772
Pro Se

CERTIFICATE OF SERVICE

I, herby, certify, that a copy of the foregoing document is mailed to the below listed party this 5th day of September, 2019.

U.S.DISTRICT COURT
WESTERN DISTRICT OF TEXAS
Clerk of the Court
410 South Cedar Street
Pecos, Texas 79772

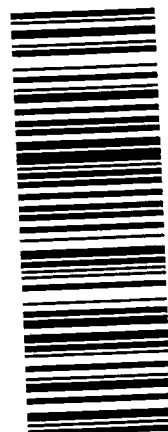
Respectfully submitted

G. A. H

Gabriel Aguilar Hernandez
Reg.# 86277-083
Reeves County Detention Center
P.O.Box 2038
Pecos, Texas 79772

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Gabriel Aguilar-Hernandez
Reg. # 86277-083
Reeves County Detention Center
P.O. Box 2038
Pecos, Texas 79772

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WESTERN DISTRICT OF TEXAS
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OFFICE OF THE CLERK
410 South Cedar Street
Pecos, Texas 79772